

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

EXIE SPEARS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 2:22-cv-01610-SGC
	)	
MARION COUNTY COMMISSION,	)	
et al.,	)	
	)	
Defendants.	)	

**PARTIAL MOTION TO DISMISS**

COME NOW Defendants, the Marion County Commission, Larry Akers, Bob Burleson, Kenneth Cochran, Tim Estes, Gregory Gunnin, Dale Holt, and Keith Nichols, and file this Motion to Dismiss a portion of Plaintiff's Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure on the following grounds:

1. A portion of Plaintiff's allegations are barred due to failure to fulfill the administrative remedies for a lawsuit based upon Title VII.
2. A portion of Plaintiff's allegations are barred due to failure to comply with the statute of limitations applicable to claim pursuant to 42 U.S.C. § 1981.
3. A portion of Plaintiff's claims pursuant to 42 U.S.C. § 1983 are barred by the applicable statute of limitations.

4. The defendants are immune from punitive damages.

Respectfully submitted this 21st day of February 2023.

**s/C. Richard Hill, Jr.**  
C. RICHARD HILL, JR. (HIL045)

**s/Ashley H. Freeman**  
ASHLEY H. FREEMAN (FRE 044)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of February 2023, I electronically filed the foregoing with the clerk of Court using the CM/ECF system which will send a notification of such filing to the foregoing:

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**s/ C. Richard Hill, Jr.**  
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